

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1 to 18 are pending in the application. Claims 1, 2, 3, 6 and 13-15 are amended. Claims 4, 5, 6/4, 6/5, 7, 8 and 18 have been withdrawn from consideration as being directed to non-elected species of the invention.

Applicant amended the specification to correct clerical errors. No new matter has been entered. Applicant also corrected obvious clerical errors in claims 1, 3 and 14 so that they recite “a speaker for generating sound”, not for catching sounds.

Applicant also amended claims 1, 2 and 3 to change the word “means” to “function” to ensure that it is not misinterpreted as a mean-plus-function limitation. This change is fully supported by the specification. The Examiner’s attention is directed to page 7, lines 25-26 for an example of support in the specification.

Claims 1, 2, 3, 6/2, 6/3, 9/1, 9/2, 10/9/1, 10/9/2, 11/1, 11/2, 12/1, 12/2, 13/1, 13/2, 14/1, 14/2, 15/1, 16/1, 16/2 and 17/2 were rejected under 35 U.S.C. §102(e) over Mihara (U.S. Patent No. 6,323,892). Applicant respectfully submits that the amendments to claims 1, 2 and 3 obviate this rejection.

The Examiner indicated that the changes made to 35 U.S.C. §102(e) by the AIPA of 1999 do not apply to the examination of this application. Applicant respectfully disagrees. This application was filed on May 23, 2001, which is indeed after November 29, 2000. Since both inventions were subject to an obligation of assignment to the same entity at the time the

invention was made, Mihara (U.S. Pat. No. 6,323,892) cannot be relied upon for obviousness rejections.

Claims 1 and 3, as amended, recite a portable image display having data communication function, comprising among other things a body and a frame member, said frame member being independent of said body and being receivable in said body. This is fully supported by the specification. For example, the Examiner's attention is directed to pages 4 (lines 3-7), 12 (lines 20-27) and 16 (lines 12-19) for an example of support in the specification. By contrast, Mihara discloses a videophone apparatus having a case for encasing the optical system therein, and a display window and an operation button both provided on the case. (Col.4, lines 20-24) Figs. 2, 4, 5b, 6A, 6B, 7B and 11A illustrate the different embodiments disclosed in this reference. However, as shown in these figures, Mihara does not disclose a videophone having a frame member and a body where the frame member is independent of the body or a structure for receiving the frame in the body. Accordingly, Applicant respectfully submits that Mihara does not teach or suggest the invention of claims 1 and 3.

Claim 2, as amended, recites a portable image display having data communication function, comprising among other things a viewing optical system and an image display device wherein said viewing optical system comprises a prism portion and a reflecting portion having a reflecting surface, wherein said image display device and said prism portion are received in a body of said image display, wherein said reflecting portion is held by a frame member which is independent of said body and wherein said frame member is receivable in said body. Applicants respectfully submit that claim 2 is fully supported by the specification. Again, the Examiner's attention is directed to pages 4 (lines 3-7), 12 (lines 20-27) and 16 (lines 12-19) for an example of support in the specification. By contrast, as mentioned above,

Mihara discloses a videophone apparatus having a case for encasing the optical system therein, and a display window and an operation button both provided on the case. (Col.4, lines 20-24) Figs. 2, 4, 5b, 6A, 6B, 7B and 11A illustrate the different embodiments disclosed in this reference. However, as shown in these figures, Mihara does not disclose a videophone having a frame member and a body where the frame member is independent of the body. Mihara fails also to disclose a structure for receiving the frame in the body. Accordingly, Applicant respectfully submits that Mihara does not teach or suggest the invention of claim 2.

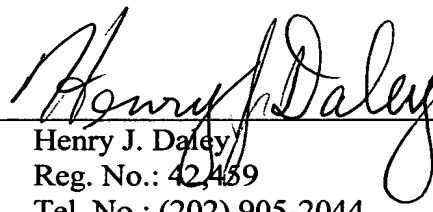
Claims 9/1, 10/9/1, 11/1, 12/1, 13/1, 14/1, 15/1, and 16/1 depend from claim 1 and are patentable for at least the same reasons given above related to claim 1. Similarly, claims 6/2, 9/2, 10/9/2, 11/2, 12/2, 13/2, 14/2, 16/2, and 17/2 depend from claim 2 and are patentable for at least the same reasons given above related to claim 2. Finally, claim 6/3 depends from claim 3 and is patentable for at least the same reasons given above related to claim 3.

Consequently, in view of the foregoing discussion, reconsideration and withdrawal of the rejection of claims 1, 2, 3, 6/2, 6/3, 9/1, 9/2, 10/9/1, 10/9/2, 11/1, 11/2, 12/1, 12/2, 13/1, 13/2, 14/1, 14/2, 15/1, 16/1, 16/2 and 17/2 under 35 U.S.C. §102(e) over Mihara are respectfully requested.

Attached hereto is a marked-up version of the changes made to claims 1, 2, 3, 6, 13, 14 and 15 and to the specification by the current amendment. The attached Appendix is captioned **“Version with markings to show changes made.”**

Applicant has addressed all of the Examiner’s rejections and respectfully submits that the application is in condition for allowance. A notice to that effect is earnestly solicited.

Respectfully submitted,  
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Appendix (pp. 10-14)

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Page 14, please delete the full paragraph beginning on line 23 and replace with the following paragraph:

As shown in Fig. 4, when viewing image data, it is difficult to manipulate a set of push buttons 7 because the viewing unit 2 must be as close to the eye as possible. It is then preferable to use the operating stick 8. By using the operating stick [7] 8 mounted on the side of the portable image display, operation can be carried out while viewing images through the viewing optical system.

Page 16, please delete the full paragraph beginning on line 12 and replace with the following paragraph:

The viewing unit, constructed in such a way that it can be folded down on the body 1, does not achieve compactness but also ensures that when the body 2a and reflecting surface 2b are not used, any possible damage to and contamination of the reflecting surface 2b can be prevented. This is because when folded down on the body 1, the reflecting surface [12b] 2b is positioned in proximity to the body 1 and so is concealed from the outside.

Page 17, please delete the full paragraph beginning on line 25 and replace with the following paragraph:

As in Example 1, when viewing image data, it is difficult to manipulate a set of push buttons 7 because the viewing unit 2 must be as close to the eye as possible. It is then

preferable to use the operating stick 8. By using the operating stick [7] 8 mounted on the side of the portable image display, operation can be carried out while viewing images through the viewing optical system.

Page 18, please delete the full paragraph beginning on line 13 and replace with the following paragraph:

Example 3 is constructed as shown in the perspective view of Fig. 9. In this example, an image pickup optical system 41 is added to the portable image display of Example 1. The image pickup optical system [42] 41 comprises an image pickup lens having a generally positive refracting power and a CCD or other image pickup device, so that any desired image can be phototaken. The phototaken image can be viewed through the liquid crystal display device 6, and the viewing unit 2 as well. Using data communication means, the phototaken image data may be transmitted to an other receiver.

#### IN THE CLAIMS:

Please enter the following amended claims 1, 2, 3, 6, 13, 14 and 15.

1. (Twice amended) A portable image display having data communication function, [means, which comprises] comprising:
  - a speaker portion for [catching] generating [sounds] sound,
  - a microphone portion for picking up [sounds] sound,
  - an image display device, and
  - a viewing optical system for forming an exit pupil to view an image displayed on the image display device and having a generally positive refractive power, wherein:

said portable image display has a body and a frame member,

said frame member is independent of said body and is receivable in said body,

said viewing optical system is constructed of at least one prism member comprising an entrance surface through which a light beam emanating from said image display device is entered into a prism, at least one reflecting surface at which said light beam is reflected within the prism and an exit surface through which said light beam leaves the prism, and

[wherein] said at least one reflecting surface has a curved surface shape for imparting power to a light beam, said curved surface shape being defined by a rotationally asymmetric surface shape capable of making correction for decentration aberrations.

2. (Twice amended) A portable image display having data communication function, [means, which comprises] comprising:

an image display device, and

a viewing optical system for forming an exit pupil to view an image displayed on the image display device and having a generally positive refracting power, wherein:

said viewing optical system comprises a prism portion and a reflecting portion having a reflecting surface,

said image display device and said prism portion are received in a body of said portable image display,

said reflecting portion is held by a frame member which is independent of said body, and

said frame member is receivable in said body.

3. (Amended) A portable image display having data communication function,  
[means [which comprises] comprising:  
a speaker portion for [catching] generating [sounds] sound,  
a microphone portion for picking up [sounds] sound,  
an image display device, and  
a viewing optical system for forming an exit pupil to view an image displayed  
on the image display device and having a generally positive refracting power, and  
an image pickup device and an image pickup optical system for forming an  
image on the image pickup device, wherein:  
said portable image display has a body and a frame member,  
said frame member is independent of said body and is receivable in said body,  
and  
said viewing optical system is constructed of at least one prism member.
6. (Amended) The portable image display according to [any one of claims] claim  
2 [to] or [5] 3, wherein:  
said viewing optical system comprises at least one prism member comprising  
an entrance surface through which a light beam emanating from said image device is entered  
into a prism, at least one reflecting surface at which said light beam is reflected within the  
prism and an exit surface through which said light beam leaves the prism, and  
[wherein] said at least one reflecting surface has a curved surface shape for  
imparting power to a light beam, said curved surface shape being defined by a rotationally  
asymmetric surface shape capable of making correction for decentration aberrations.



13. (Twice amended) The portable image display according to claim 1 [or 2], wherein said microphone portion for picking up sounds extends from the body of said portable image display.

14. (Twice amended) The portable image display according to claim 1 [or 2], wherein said speaker portion for [catching] generating [sounds] sound extends from the body of said image display.

15. (Amended) The portable image display according to claim 1, wherein [a viewing unit including said viewing optical system is mechanically coupled to a body thereof, and] said viewing optical system is [receivable] mounted in said [body] frame member.

End of Appendix.